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Attorneys for Plaintiffs Sharper Image Corporation and Zenion Industries, Inc.

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

SHARPER IMAGE CORPORATION and
 ZENION INDUSTRIES INC.,

Plaintiffs,

v.

HONEYWELL INTERNATIONAL INC. and
 KAZ, INC.,

Defendants.

SHARPER IMAGE CORPORATION,

Plaintiff,

v.

KAZ, INC.,

Defendant.

Lead Case No. 02-4860 CW (Consolidated)

**STIPULATED ORDER OF PARTIAL
 DISMISSAL**

Hearing Date/Time: N/A

Case No. 04-0529 CW

STIPULATED ORDER OF PARTIAL DISMISSAL

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and by a written settlement agreement of Sharper Image Corporation, Zenion Industries, Inc., with Honeywell International Inc., and the Court being fully advised in the premises, **IT IS HEREBY ORDERED THAT:**

1. The Court has jurisdiction over the subject matter of these actions and over the parties and shall retain jurisdiction over the parties for purposes of enforcing the aforementioned written settlement agreement.

2. All claims asserted in these actions against Honeywell International Inc. (“Honeywell”) are dismissed with prejudice.

3. All declaratory judgment counterclaims asserted by Honeywell in these actions are dismissed with prejudice.

4. The following claims of the Consolidated Amended Complaint asserted against Kaz, Inc. (“Kaz”), and corresponding claims from Lead Case No. 02-4860 CW, are dismissed with prejudice with respect to the Environizer and Environizer Compact products (Honeywell Model Nos. 90100 and 90200 respectively), as well as the Environizer Ultra product: Count I (infringement of U.S. Patent No. 4,789,801); Count II (infringement of U.S. Patent No. 6,176,977); Count III (infringement of U.S. Patent No. 6,350,417); and Count VII (trade dress infringement).

5. Count VIII (unfair competition) of the Consolidated Amended Complaint asserted against Kaz is dismissed with prejudice only with respect to the Environizer and Environizer Compact product.

6. Each party shall bear its own costs and attorneys’ fees with respect to the dismissed claims.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
2

3 DATE: May 27, 2005

/s/ Noelle J. Day (electronically filed)

4 Alan L. Barry
5 Amy G. O'Toole
6 Noelle J. Day
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14 *Counsel for Sharper Image Corporation and*
15 *Zenion Industries, Inc.*

16 Date: May 27, 2005

/s/ Cole M. Fauver (electronically signed)

17 William H. Manning, Esq.
18 Munir R. Meghjee, Esq.
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26 *Counsel for Honeywell International Inc.*

27 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

28 Date: 6/2/05

/s/ CLAUDIA WILKEN

Honorable Claudia Wilken
United States District Court Judge